

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
T-Mobile USA, Inc. and Sprint Nextel)	
Corporation's Petition for Declaratory Ruling)	
Regarding Number Portability)	WC Docket No. 95-116

COMMENTS OF LEAP WIRELESS INTERNATIONAL, INC.

Leap Wireless International, Inc. and its Cricket subsidiaries (collectively, “Leap”) submit these comments in response to the above-captioned Petition for Declaratory Ruling (the “Petition”). In the Petition, T-Mobile USA, Inc. (“T-Mobile”) and Sprint Nextel Corporation (“Sprint”) describe arbitrary and burdensome procedures imposed by many incumbent ILECs that impede the process of intermodal number porting between wireline and wireless carriers. T-Mobile and Sprint have urged the Commission to clarify that (i) porting-out carriers may not demand information from requesting providers beyond that required to validate the customer request and accomplish the port, and (ii) information that is necessary to validate a port should be limited to four customer validation fields.

Leap supports the Petition. In Leap’s own experience, the process of porting numbers from landline customers has been significantly hampered by the following problems described by or suggested in the Petition:

- **Lack of LSR standardization**

LECs use different versions of the Local Service Request (“LSR”) form, with sometimes wildly divergent templates. Indeed, as demonstrated by the Exhibits to the Petition, some LECs utilize forms that require completion of up to *one hundred* data fields before a customer’s number can be ported. Because of the lack of data field standardization, Leap’s experience is that the information must be input by hand. LECs also change their LSR formats with no prior notice to wireless carriers, further diminishing uniformity and predictability in the porting process.

- **Rejects**

Incumbent LECs often will reject fields for arbitrary reasons and require the wireless carrier to resubmit the port request. For example, Leap has encountered LECs that will reject any abbreviation (*e.g.*, “Ave.,” “Rd.,” or “St.” instead of “Avenue,” “Road,” or “Street”) that does not precisely match the data in a customer’s account. Such resubmissions cause additional unnecessary delay for the customers in porting their numbers.

- **Poor customer service**

Ports with many LECs can take weeks, not days. Leap has witnessed frustrated customers get so irritated with porting delays they either take a Cricket temporary number as their permanent number or cancel the port altogether. Leap also has seen customers disconnect from the LEC -- assuming the port was already processed -- only to have them suffer the inconvenience of calling the LEC to reactivate service in order to access their numbers and start the porting process all over again.

These problems with the intermodal porting process are frustrating the purposes of the Commission's rules and diminishing competition in the telecommunications industry. Incumbent LECs generally do not have the incentive to allow customers to switch seamlessly off their networks to wireless competitors – and it is obvious that delays in the porting process can have an impact on a customer's acceptance of wireless service. Indeed, many customers of Leap's flat-rated Cricket service come from historically under-served demographics and are new to wireless. Having these customers' new wireless experience tainted out of the box with long porting delays diminishes the attractiveness of Cricket service, and ultimately, diminishes Leap's effectiveness in offering consumers the full benefits of wireless competition to landline service.

Furthermore, such defects in the porting process are wholly unnecessary and can be easily remedied. As the Petition notes, the wireless industry has developed a standardized, efficient and expeditious porting process – one that features a limited set of validation criteria and that generally takes only two and a half hours to complete.¹ There is absolutely no reason that LECs cannot pursue a similar course.

Congress mandated LEC number portability² for a reason, recognizing the benefits to competition and consumer choice that would be realized by allowing

¹ Petition at 4 (*citing* NANC Wireless Number Portability Technical, Operational and Implementation Requirements Report (approved by NANC and forwarded to FCC September 2000)).

² *See* 47 U.S.C. § 251(b)(2); Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352 ¶ 153 (1996).

customers to retain their telephone numbers in switching among telecommunications carriers to find the best available service. It is in the public interest for the Commission to continue to advance that mandate with respect to intermodal porting among LECs and wireless carriers. Reducing and standardizing the number of porting validation criteria as suggested in the Petition is a simple and achievable step that is manifestly in the public interest.

Respectfully submitted,

/s/

Robert J. Irving, Jr.

Senior Vice President and
Leap Wireless

General Counsel
International, Inc.

10307 Pacific Center Court
San Diego, CA 92121

February 8, 2007